

VZCZCXYZ0000
OO RUEHWEB

DE RUEHKB #1470 3451313
ZNY CCCCC ZZH
O 111313Z DEC 07
FM AMEMBASSY BAKU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4422
INFO RUCNCIS/CIS COLLECTIVE PRIORITY
RUEHAK/AMEMBASSY ANKARA PRIORITY 2510
RUEHVEN/USMISSION USOSCE PRIORITY 0770
RUEHBS/USEU BRUSSELS PRIORITY

C O N F I D E N T I A L BAKU 001470

SIPDIS

SIPDIS

E.O. 12958: DECL: 12/11/2017
TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [KPAO](#) [AJ](#)
SUBJECT: NAKHCHIVANI JOURNALIST RELEASED AFTER APPELLATE
HEARING

REF: BAKU 01457

Classified By: AMBASSADOR ANNE E. DERSE PER 1.4(B,D)

¶1. (C) According to Nakhchivan-based human rights activists and press accounts, on December 10 at approximately 1820, Nakhchivan Radio Free Europe/Radio Liberty correspondent Ilgar Nasibov was released from prison, following the Nakhchivan Court of Appeals' decision to overturn the district court's December 6 ruling sentencing Nasibov to three months' imprisonment for libel. The same day, Nasibov was convicted on separate criminal libel charges and sentenced to one year of probation. The new conviction is based on an article Nasibov is alleged to have written for Azadliq newspaper in 2006 detailing alleged PKK activity at Nakhchivan State University. Both Nasibov and Azadliq newspaper deny that he ever wrote for them. According to Nasibov, on December 6, after his initial libel conviction on the basis of an e-mail he sent to a government website (reftel), he had been summoned back into court for a pre-trial hearing on other, separate charges related to the PKK article. Nasibov also noted that, contrary to previous reports, he did have an attorney present at the hearings, but a court-appointed lawyer, not one whom he selected.

¶2. (C) Since our December 7 report on the situation (reftel), a few more details have come to light. On December 7, former Bizim Yol newspaper correspondent Elman Abbasov was detained for approximately 12 hours in connection with the charges against Nasibov. Abbasov told the press that he was questioned about the activities of several NGOs, including the NGO Development Center, which is headed by Nasibov's wife, journalist and human rights activist Malahat Nasibova. Nasibova and journalist/human rights activist Mahammad Rzayev were also detained for questioning for approximately 30 minutes on December 7 in connection with this case. Court bailiffs reportedly seized private property belonging to the Nasibovs and Abbasov, and property belonging to the NGO Development Center. As of December 11, we understand that most of this property has been returned.

¶3. (C) In a December 8 telcon with the Ambassador, Presidential Chief of Staff Ramiz Mehdiyev noted that he had spoken to President Aliyev and Nakhchivani Parliament Chair Vasif Talibov, and predicted that, per President Aliyev's instructions, Nasibov would be released following the December 10 appellate hearing. Legal advisor in the Presidential Apparatus Fuad Alasgarov, who was fully briefed on the situation, told the DCM on December 11 that he was aware of the due process concerns in Nasibov's case, was not pleased by them, and was investigating them, noting "they will not continue." He noted that this incident took place in Nakhchivan, without the knowledge of the authorities in Baku. Referring to President Aliyev's serious concern on the

matter, Alasgarov said that a document was being prepared recommending a January event between the President and journalists to try to reduce tensions between the GOAJ and the media. The DCM offered the Embassy's full support.

14. (C) COMMENT: In recent days, the OSCE, the Council of Europe, and the Norwegian Embassy have joined the U.S. in publicly decrying Nasibov's arrest. We understand that the EU also is coordinating issuance of a statement. The GOAJ's decision to release Nasibov appears to be a direct result of international pressure, while the decision to convict him on separate charges -- while releasing him -- is, at least in part, a face-saving tactic. While we are concerned by Nasibov's conviction and sentencing on another charge, we note that the decision to release Nasibov is the first positive step the GOAJ has taken on detained journalists in many months. We are also encouraged by comments that the President is concerned and the Presidential Apparatus is working on proposals for him to address the situation. The GOAJ's response to this case is also in contrast to the lack of visible progress in investigating and prosecuting attacks on journalists to date (which we will report septel), and reviewing the cases of imprisoned journalists. We are continuing to confirm the facts on the developments in Nakhchivan and additional GOAJ reaction, and will offer thoughts on next steps septel.

DERSE